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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,182	12/16/2005	Tomotaka Hashimoto	01197.0261	1709
22852	7590	12/04/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER	KIM, SUN U
			ART UNIT	PAPER NUMBER
			1797	
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		12/04/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,182	<b>Applicant(s)</b> HASHIMOTO ET AL.
	<b>Examiner</b> JOHN KIM	<b>Art Unit</b> 1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 04 September 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1 and 3-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al (US Patent No. 6,331,248 B1).

Regarding claim 1, Taniguchi et al teach a hollow fiber membrane cartridge, having one or more hollow fiber membrane bundles each comprising a plurality of hollow fiber membranes and having opposite ends fixedly bonded by an adhesion fixation layer, a cartridge head fixed to an outer periphery of one end of the hollow fiber membrane bundles in a liquid tight manner, and a lower ring fixed to an outer periphery of the other end of the hollow fiber membrane bundles, wherein a hollow portion of each of the hollow fiber membranes is opened at the cartridge head-side end (5) of the cartridge, the hollow portion of the hollow fiber membrane is sealed in a lower ring-side adhesion fixation layer (5'), and a plurality of through-holes (6) are formed in the lower ring-side adhesion fixation layer (5'), and wherein the through-holes (6) are arranged in the hollow fiber membrane bundle, an end of the lower ring (1, 2) projects from an end surface of the lower ring-side adhesion fixation layer (5'), and at least part of the hollow fiber membrane bundles are divided into at least two, plural small bundles (4) between the lower ring-side adhesion layer (5') and the cartridge head-side adhesion fixation layer (5)(see figures 1-2, 8-9; col. 11, line 40 – col. 18, line 29).

Regarding claims 4-5, Taniguchi et al shows bundles arranged on one or more concentric circles and in all directions from a central portion to outer peripheral portions (see

figures 9, 11, 13, 15).

Regarding claim 6, Taniguchi et al teaches that resin used in the bonding portion or fixation layer has JIS-A hardness of at least 30 (see col. 9, lines 40-48).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. Taniguchi et al teach the hollow fiber membrane cartridge as described in above paragraph 2. Claim 3 essentially differs from the cartridge of Taniguchi et al in reciting claimed distance between the hollow fiber membranes located closest to each other, claimed number of hollow fiber membranes and claimed distance between the small bundles located closest to each other. Taniguchi et al teach that number of openings of hollow fiber bundles are varied depending on the diameter of module and the shape of openings (see col. 12, line 53 – col. 13, line 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the claimed parameters, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al as applied to claims 1 and 3-6 above, and further in view of Behmann et al (US Patent No. 6,620,319). Taniguchi et al teach the hollow fiber membrane cartridge as described in above paragraph 2. Taniguchi et al teach the use of the cartridge for filtration and back wash reverse

filtration using gas by aerating a bottom of the lower ring of the hollow fiber membrane cartridge (see col. 14, lines 33-65). Claims 7-8 essentially differ from the cartridge of Taniguchi et al in reciting placing the cartridge in a vertical container. Behmann et al teach the use of hollow fiber membrane cartridge placed in a vertical container to aerate the membranes with gas under the membrane (see abstract; figures 4, 6, 10, 12). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the cartridge of Taniguchi et al placed in a vertical container to treat raw water even sewage as it is well-known in the art.

6. Applicant's arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection. Applicants argue that Taniguchi et al does not feature "at least part of the hollow fiber membrane bundles are divided into at least two, plural small bundles between the lower ring-side adhesion layer and the cartridge head-side adhesion fixation layer" and cited illustrations in Figs. 1 and 2 of the present application. However, as presently claimed in claim 1, Tanigushi et al, in fact, show that at least part of the hollow fiber membrane bundles are divided into at least two, plural small bundles (4) between the lower ring-side adhesion layer (5') and the cartridge head-side adhesion fixation layer (5)(see figures 1-2, 8-9; col. 11, line 40 – col. 18, line 29).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN KIM whose telephone number is (571)272-1142. The examiner can normally be reached on M-F Max Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Kim/  
Primary Examiner, Art Unit 1797

JK  
12/3/08